

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Anthony Newton  
APPLICATION NO.: 10/521,417  
FILED: January 5, 2005  
GROUP ART UNIT: Unknown  
TITLE: TRANSMITTER AND RECEIVER GAIN CALIBRATION BY MEANS  
OF FEED-BACK IN A TRANSCEIVER

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Certificate of Submission

I hereby certify that this correspondence is being submitted to the U.S.P.T.O.,  
Alexandria, VA.

☐ Addressed per C.F.R. § 1.1(a) and deposited with the United States Postal  
Service with sufficient postage as first class mail.

☐ Facsimile transmitted in accordance with C.F.R. § 1.6(d).

☒ Submitted electronically via EFS in accordance with "Legal Framework  
for EFS Web".

10-16-06  
Date of Submission

/Stacie Herren/  
Signature

Stacie Herren  
Printed Name of Person Signing Certificate

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR 1.47(b)**

Sir:

In accordance with 37 C.F.R. § 1.47(b), Freescale Semiconductor, Inc. hereby submits  
this Renewed Petition for authorization to file and prosecute the above identified patent  
application on behalf of and as agent for both inventors, Anthony Newton and Heinz Lehning,  
who have apparently refused to execute the application papers.

This renewed petition includes proof of the pertinent facts, and the last known address of the inventors. A fee set forth in §1.17(h) was paid on August 3, 2006, accordingly no additional fees are needed.

This US Application was filed claiming priority from a PCT Application (Application No. PCT/EP2003/006753, filed on June 25, 2003) and Great Britain Application (Application No. 0215582.8, filed on July 5, 2002).

This petition alleges that Anthony Newton and Heinz Lehning were employed by Motorola at the time of the invention, and that under the Swiss Labor Code, Motorola owns the rights to the invention.

This petition also alleges that Motorola, Inc. assigned its right to this patent application to Freescale Semiconductor, Inc.

This petition includes proof of the pertinent facts, and the last known address of both inventors. Applicant respectfully requests the granting of this petition in the above-referenced application.

This petition accompanies the oath and declaration in this application, which is submitted concurrently herewith.

**1. Oath required by 37 C.F.R. §1.63 and 1.64**

Freescale Semiconductor, Inc. is the 37 C.F.R. §1.47(b) applicant of the present application. A Declaration signed by Jennifer B. Wuamett, Vice President and Chief Intellectual Property Counsel, who is authorized to sign on behalf of Freescale Semiconductor, Inc., accompanies this petition.

**2. 37 C.F.R. 1.47(b) Applicants relationship to inventor**

The inventors Anthony Newton and Heinz Lehning were employed with Motorola, Inc. at the time of invention. Motorola, Inc. assigned its rights to this patent application to Freescale Semiconductor, Inc.

**3. The full name and last known address of the inventors are as shown below.**

Anthony David Newton  
Les Jordils  
Le Vaud, 1261 CH  
Switzerland

Heinz Lehning  
3 Chemin Des Grandes Pres  
Tannay, 1295 CH  
Switzerland

**4. Inventors refusal to sign application papers**

Inventors Anthony Newton and Heinz Lehning have apparently refused to sign the application papers. Proof of such, along with Applicant Freescale Semiconductor, Inc.'s proprietary interest is set forth below in the Statement of Facts.

**5. Total Fee Due and Fee Payment**

A fee set forth in §1.17(h) was paid on August 3, 2006, accordingly no additional fees are needed.

**6. Fee Deficiency**

If any additional fee is required in connection with this communication, authorization is hereby given to Commissioner of Patent to charge deposit account No. 503079.

## STATEMENT OF THE PERTINENT FACTS

1. **Exhibit “A”** is an email from Stefanie Kuttruff, HR Manager for Austria & Switzerland with Motorola, Inc., with an attachment showing the dates of employment of the inventors, Anthony Newton and Heinz Lehning with Motorola, Inc.
2. **Exhibit “B”** is a legal memorandum from Frodo Nunes Ferro, regarding Swiss Labor Law.
3. In January of 2002, Anthony Newton and Heinz Lehning submitted a Disclosure to the Motorola Patent Committee, Disclosure No. SC0978EG, regarding the invention that is the subject of this petition. (See **Exhibit “C”**) At the time of the submission, both inventors were employed by Motorola, Inc. (See **Exhibit “A”**)
4. A patent application for this invention was first filed in Great Britain on July 5, 2002, Application Number 0215582.8. (See **Exhibit “D”**)
5. A patent application for this invention was filed in PCT on June 25, 2003, Application Number PCT/EP2003/006753, claiming priority to the Great Britain application, and also showing that Motorola, Inc. as Applicant. (See **Exhibit “D”**)
6. On June 18, 2003, Anthony Newton signed the Power of Attorney to Attorneys for Motorola, European Intellectual Property Operations for the PCT Application No. PCT/EP2003/006753, filed on June 25, 2003. (See **Exhibit “E”**)
7. On June 11, 2003, Heinz Lehning signed the Power of Attorney to Attorneys for Motorola, European Intellectual Property Operations for the PCT Application No. PCT/EP2003/006753, filed on June 25, 2003. (See **Exhibit “E”**)
8. Motorola, Inc. assigned its right to the Application to Freescale Semiconductor, Inc. effective as of April 4, 2004. (See **Exhibit “F”**)
9. On January 5, 2005, the above identified patent application was filed with the USPTO, with an unsigned oath and declaration, naming as joint inventors: (1) Anthony Newton and (2) Heinz Lehning.
10. On April 12, 2005, Freescale Semiconductor, Inc.’s foreign agent, Impetus IP, Ltd. forwarded to Anthony Newton at the address set forth on the previous page, via TNT International, a hardcopy of the application, assignment and agreement, and declaration for his signature. Such documents were received and signed for by Anthony Newton on April 13, 2005. Note: Under the “POD” (Proof of Delivery) section, it indicates that A. Newton signed for the documents. (See **Exhibit “G”** and **“Exhibit G-1”**)
11. On April 12, 2005, Freescale Semiconductor, Inc.’s foreign agent, Impetus IP, Ltd. forwarded to Heinz Lehning at the address set forth on the previous page, via TNT International, a hardcopy of the application, assignment and agreement, and declaration for his signature. Such

documents were received by Heinz Lehning on April 13, 2005. Note: Under the “POD” (Proof of Delivery) section, it indicates that H. Lehning signed for the documents. (See **Exhibit “G”** and **Exhibit “G-2”**)

12. On September 1, 2005, Isabelle Barbe, an employee of EMEA Freescale Semiconductor, Inc., forwarded to Anthony Newton via email, a softcopy of the application, assignment and agreement, and declaration for their signature. (See **Exhibit “H”**)

13. On August 24, 2006, Stacie Herrera mailed, via Federal Express “International Economy” delivery, a package containing the hardcopy of the specification (as filed), drawings (as filed), Declaration Combined with Power of Attorney, (as filed), and the Assignment and Agreement, under label number 791098300170 to Heinz Lehning at his last known work address in care of the Motorola Geneva Wireless Technology Center, 207 Route de Ferney, LeGrande, Sacconnex, Geneva, Switzerland, CH-1218. (See **Exhibit “I”** and **Exhibit “I-2”**)

14. On August 24, 2006, Stacie Herrera mailed, via Federal Express “International Economy” delivery, a package containing the specification (as filed), drawings (as filed), Declaration Combined with Power of Attorney, (as filed), and the Assignment and Agreement, under label number 792832399365 to Anthony Newton at his last known address which is Chemin des Jardils, LeVaud, Switzerland, CH-1261, and received confirmation on August 29, 2006, that Anthony Newton received and signed for the package on August 29, 2006. (See **Exhibit “I”** and **Exhibit “I-1”**)

15. On September 5, 2006, Stacie Herrera received the package she sent to Heinz Lehning on August 24, 2006, as being undeliverable due to he is no longer employed with the Motorola Geneva Wireless Technology Center, and on October 5, 2006, resent the package to Heinz Lehning at his last known residence address under label number 790578077098, which is 3 Chemin des Grandes Pres, Tannay, Switzerland, CH-1295. (See **Exhibit “I”**)

16. On October 9, 2006, Stacie Herrera received confirmation on August 29, 2006, that Heinz Lehning received and signed for the package containing the specification (as filed), drawings (as filed), Declaration Combined with Power of Attorney, (as filed), and the Assignment and Agreement, on August 29, 2006. (See **Exhibit “I”** and **Exhibit “I-3”**)

17. As of today, October 16, 2006, the undersigned, Impetus IP, Ltd., EMEA Freescale Semiconductor, Inc., or Freescale Semiconductor, Inc. has not received any signed declaration document, or assignment for S/N 10/521,417 (SC0978EG) from either Anthony Newton or Heinz Lehning.

## REMARKS


From the statement of the pertinent facts above and the attached exhibits, it is submitted that over a period of time from April 2005 to October 2006, the undersigned either directly, or through Impetus IP, Ltd., or EMEA Freescale Semiconductor, Inc., has provided to Anthony Newton and Heinz Lehning copies of the patent application and declaration document in the instant application. Anthony Newton and Heinz Lehning have received the patent application and declaration document, and neither Mr. Newton, nor Mr. Lehning have provided their signatures on the declaration document in the instant application. Accordingly, it is respectfully submitted that Mr. Anthony Newton and Mr. Heinz Lehning have apparently refused to join in this application for patent.

According to the legal memorandum of Frodo Nunes Ferro, (*See Exhibit "B"*), since Anthony Newton and Heinz Lehning were employees of Motorola, Inc. at the time the invention was created, Motorola, Inc. was entitled to the ownership of the invention. Motorola, Inc. transferred it's rights to the patent application to Freescale Semiconductor, Inc. (*See Exhibit "F"*). Freescale Semiconductor, Inc. is therefore the rightful owner of Anthony Newton and Heinz Lehning's invention.

In order to preserve its rights in the invention, and to prevent irreparable damage to Freescale Semiconductor, Inc. respectfully request that Freescale Semiconductor, Inc. be allowed to prosecute said application.

An early formal notice of the granting of this petition is respectfully requested.

Respectfully submitted,

By:   
\_\_\_\_\_  
DAVID G. DOLEZAL  
Attorney of Record  
Reg. No.: 41,711  
Telephone: (512) 996-6839  
Fax No.: (512) 996-6853

SEND CORRESPONDENCE TO:

FREESCALE SEMICONDUCTOR, Inc.  
Law Department  
Customer Number: 23125

**Herrera Stacie-R00135**

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**From:** Kuttruff Stefanie-ask066 [Stefanie.Kuttruff@motorola.com]  
**Sent:** Tuesday, October 10, 2006 3:56 AM  
**To:** Herrera Stacie-R00135  
**Subject:** RE: Employee Agreements  
**Attachments:** Zweiter Versuch - Schweizer MA

Stacie,

please find enclosed a screenshot from SAP, where the dates of employment of Heinz Lehning and Anthony Newton are stated. If you should need any further information or confirmation, please let me know.

Best regards  
Stefanie

**Stefanie Kuttruff**

HR Manager Austria & Switzerland  
Motorola GmbH  
Lilienthalstrasse 15  
D-85579 Neubiberg  
Phone: +49(0)89/60814-198, Fax: +49(0)89/60814-277  
E-mail: Stefanie.Kuttruff@motorola.com

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**From:** Herrera Stacie-R00135 [mailto:stacie.herrera@freescall.com]  
**Sent:** Monday, October 09, 2006 5:09 PM  
**To:** Kuttruff Stefanie-ask066  
**Subject:** RE: Employee Agreements

We had spoken earlier this year regarding the employment of Heinz Lehning and Anthony Newton. The USPTO is requiring us to provide some verification of the dates of employment by Motorola for these 2 inventors. Can you forward either an affidavit, or statement by a HR representative to this effect. It only needs to state that Anthony Newton was employed by Motorola from \_\_\_\_ to \_\_\_\_\_, and the same for Heinz Lehning. Thank you for assistance.

Stacie Herrera  
IP Administrative Assistant III  
Freescall Semiconductor, Inc.  
Law Department  
7700 W. Parmer Lane  
MD: TX32/PL02  
Austin, TX 78729  
(512) 996-6848  
(512) 996-6853 facsimile

InfoPage Edit Data Extras System Help

**Display Date Specifications (IT 0041)**

PersNo: **26300302** LEHNING HEINZ  
 SPS Switzerland MOEN Retired Employee  
 Regular Indirect Labor

Start: **05/15/2001** to **12/31/9999** Chng: **01/05/2004 R49720**

**Date Specifications (IT 0041)**

Date type	Date	Date type	Date
01 Date of Hire	04/14/1976	02 Service Date	04/14/1976
03 Service Club Date	04/14/1976	10 Last Day Worked	12/19/2003
12 Last Day Paid	12/30/2003		

InfoPage Edit Data Extras System Help

**Display Date Specifications (IT 0041)**

PersNo: **26300389** NEWTON ANTHONY  
 SPS Switzerland MOEN Retired Employee  
 Regular Indirect Labor

Start: **05/15/2001** to **12/31/9999** Chng: **06/18/2002 R49609**

**Date Specifications (IT 0041)**

Date type	Date	Date type	Date
01 Date of Hire	04/12/1977	02 Service Date	04/12/1977
03 Service Club Date	04/12/1977	10 Last Day Worked	06/20/2002
12 Last Day Paid	06/30/2002		



## LEGAL MEMORANDUM

on

### THE RIGHTS TO AN INVENTION IN SWITZERLAND

I, Frodo Nunes Ferro, herewith declare to be a European Patent Attorney and to be familiar with the relevant portions of Swiss law relating to the rights to an invention.

International Patent Application PCT/EP03/06753 was filed on 25 June 2003. The inventors are NEWTON, Anthony and LEHNING, Heinz. It is my understanding that when the invention was made, both inventors were Swiss residents and employed in Switzerland by Motorola, Inc or a whole owned subsidiary thereof, from hereon referred to as Motorola. Separate evidence will be provided by the assignee, Freescale Inc., to support this understanding.

In Switzerland, the rules of patent law are governed by the 'Bundesgesetz über die Erfindungspatente'<sup>1</sup> of 25 June 1954. This patent act is commonly referred to as the 'Patentgesetz' (PatG).

Title 1 PatG, article 3(1) provides that:

„Das Recht auf das Patent steht dem Erfinder, seinem Rechtsnachfolger oder dem Dritten zu, welchem die Erfindung aus einem andern Rechtsgrund gehört.“<sup>2</sup>

Accordingly, in general the right to a patent belongs to the inventor or his successor. However, in case the invention belongs to a third party by virtue of another ground, the right belongs to this third party as follows from the wording: “ (...) oder dem Dritten zu, welchem die Erfindung aus einem andern Rechtsgrund gehört“.

The question is therefore whether or not a legal ground was present by virtue of which the rights to the patent belonged to Motorola and hence Motorola was a third party as defined in art. 3(1) PatG. Such a ground could, e.g. be an agreement which transfers the rights of the employee-inventor to the employer or a provision of law which provides that an employer is the holder as of right.

In case of an employee working in Switzerland, the Swiss provision of labour law codified in section 2, “Den Arbeitsvertrag”<sup>3</sup>, of Part 5 of the Swiss Civil Code (Schweizerischen Zivilgesetzbuches or ZGB)<sup>4</sup>, are applicable. This section provides general rules applicable to labour agreements.

<sup>1</sup> Translation: ‘Federal law about the patents for inventions’

<sup>2</sup> Translation: “The right to the patent belongs to the inventor, his successor or a third party to which the invention belongs by virtue of another legal ground.”

<sup>3</sup> Translation: “the labour agreement”

<sup>4</sup> Which has been inserted in the Swiss Civil Code by the ‘Bundesgesetz vom 30. März 1911 betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht)’.


Part 5 ZGB , section 2 title 10, art. 332(1) states:

„Erfindungen und Designs, die der Arbeitnehmer bei Ausübung seiner dienstlichen Tätigkeit und in Erfüllung seiner vertraglichen Pflichten macht oder an deren Hervorbringung er mitwirkt, gehören unabhängig von ihrer Schutzfähigkeit dem Arbeitgeber.“<sup>5</sup>

Accordingly, under the provisions of Swiss law, the rights to an invention made by an employee belong to the employer when the invention has been made by the employee while performing his contractual duties.

The employer thus has the rights by virtue of ‘another legal ground’ and is therefore a third party as defined in art 3(1) PatG. Accordingly, in case a Swiss employee makes an invention, the employer has the rights to the invention.

As stated above, in the present case, as will be supported by separate evidence provided by Freescale Inc., it is my understanding that the inventors were employed by Motorola when the invention was made. Accordingly, by virtue of Part 5 ZGB , section 2 title 10, art. 332(1) the rights to the invention for which the above identified application has been filed belonged to Motorola at the date of filing. Motorola was therefore a third party as defined in Title 1 PatG, article 3(1) PatG. The rights to the patent application thus belonged to Motorola.

  
\_\_\_\_\_  
F.N.Ferro

TOULOUSE, 16 October 2006.

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<sup>5</sup> Translation: “Inventions and designs, which the employee makes during the execution of his service activities and in the fulfilling of his contractual duties or on which development he cooperates, belong independent from their protectability to the employer.”


**MOTOROLA**

European Intellectual Property Section

Motorola Law Department

**DISCLOSURE FOR PATENT  
COMMITTEE**

Submitted pursuant to employment agreement.  
For instructions refer to Patent Template or IP  
Section, Law Dept.



For Patent Committee Use ONLY:

DISCLOSURE No: **SC0978**

Date submitted:

Date of Committee: **JAN 2002**

Decision **FILE**

Inventors must complete items 1 to 9. Items 2 to 4 will require additional sheets.

**PART I - TECHNICAL INFORMATION**

- Title of the Invention: **HiperLAN2 Transmitter and Receiver Gain Calibration**  
Add Useful Key Words (If Possible): **Hiperlan2, OFDM, Gain Stability, Wireless LAN**
- What was the problem(s) to be solved by the invention or what was the need(s) for the invention:  
**HiperLAN2 transmitter and receiver gains have to be precise because of TPC function, see attachment.**
- What is the closest known technology, and why doesn't it resolve the problem(s) or fulfill the need(s):  
**Normal mobile phone approach not applicable, HiperLAN2 needs absolute precision, see attachment.**
- How does this invention resolve the problem(s) or fulfill the need(s) in a new way (include labelled drawings, flow charts or block diagrams to help explain the invention): **See attachment**

**PART II - USE**

- Conception Date: **12. 10. 00 (DD.MM.YY)** **ESSENTIAL FOR THE PATENT DEPARTMENT**
- Expected date of first offer for sale made for a product incorporating this invention: **Q3/2002** *which product?*
- Expected date of first disclosure made outside Motorola without a nondisclosure agreement: **Q2/2002** *into the market?*
- Product(s) this invention may be used in: **WIRELESS LANS**

**PART III - INVENTORS DETAILS (YOU MUST USE YOUR FULL FIRST, MIDDLE AND LAST NAMES.)**

9a. **Anthony David NEWTON** **21.08.01** **GB**  
 Inventor's full name (Surname in CAPITALS) Signature Date Citizen  
**LES JORDILS** **1261 LE VAUD, VAUD** **SWITZERLAND** **1261**  
 Home Address, Country Post Code  
**TE561** **263 00 389** **366** **SPS/WBSG** **GENEVA**  
 Dept. No Commerce ID Phone (ext.) Sector and Group Location  
 Employee Status:  
 (Permanent) X  
 (Contractor)  
**Tony.Newton@motorola.com**

9b. **Heinz LEHNING** **21.08.01** **GERMANY**  
 Inventor's full name (Surname in CAPITALS) Signature Date Citizenship  
**CHEMIN DES GRANDS PRES 3** **1295 TANNAY, VAUD** **SWITZERLAND** **1295**  
 Home Address, Country Post Code  
 Employee Status:  
 (Permanent) X  
 (Contractor)  
**TE561** **263 00 302** **446** **SPS/WBSG** **GENEVA**  
 Dept. No Commerce ID Phone (ext.) Sector and Group Location  
**Heinz.Lehning@motorola.com**

**PART IV - APPROVALS**

10. Technical Staff or Patent Liaison  
 Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Phone: \_\_\_\_\_

11. Management  
 Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Is there management commitment to use this invention: \_\_\_\_\_



(PCT Rule 90.4)

hereby appoints (appoint) the following person as:

<input checked="" type="checkbox"/> agent	<input type="checkbox"/> common representative
---	--

GIBSON, Sarah / WHARMBY, Martin / HARRISON, Christopher  
LITCHFIELD, Laura / McCORMACK, Derek / STASIEWSKI, Piotr  
Motorola, European Intellectual Property Operations  
Midpoint, Alencon Link  
Basingstoke  
Hampshire, RG21 7PL  
United Kingdom

to represent the undersigned before	X	all the competent International Authorities the International Searching Authority only the International Preliminary Examining Authority only
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Title of the invention: **A Method And Apparatus For Gain Calibration**

Applicant's or agent's file reference: SC0978EG/PCT

International application number (if already available):

filed with the following Office European Patent Office as receiving Office and to make  
or receive payments on behalf of the undersigned.

Signature of the applicant(s) (where there are several applicants, each of them must sign next to each signature indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power)

ANTHONY NEWTON  
NEWTON, Anthony

18<sup>th</sup> June 2003  
Dated

## LEHNING, Heinz

**Dated**

(PCT Rule 90.4)

hereby appoints (appoint) the following person as:                   X agent                   common representative

GIBSON, Sarah / WHARMBY, Martin / HARRISON, Christopher  
LITCHFIELD, Laura/McCORMACK, Derek/STASIEWSKI, Piotr  
Motorola, European Intellectual Property Operations  
Midpoint, Alencon Link  
Basingstoke  
Hampshire, RG21 7PL  
United Kingdom

to represent the undersigned before	X	all the competent International Authorities
		the International Searching Authority only
		the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: **A Method And Apparatus For Gain Calibration**

Applicant's or agent's file reference: SC0978EG/PCT

**International application number (if already available):**

filed with the following Office European Patent Office as receiving Office and to make or receive payments on behalf of the undersigned.

Signature of the applicant(s) (where there are several applicants, each of them must sign next to each signature indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power)

**NEWTON, Anthony**

**LEHNING, Heinz**

**Dated**

Dated

## PATENT ASSIGNMENT

This Patent Assignment is between Motorola, Inc. ("Assignor") and Freescale Semiconductor, Inc. ("Assignee"). Capitalized terms used in this Patent Assignment have the same meanings given to them in the Agreement.

1. For good and valuable consideration, receipt of which the Assignor acknowledges, and by signing and delivering this instrument, the Assignor sells, assigns, transfers, conveys, and delivers to the Assignee all of the Assignor's right, title, and interest in and to:
  - (a) the patents, patent applications and invention disclosures specifically listed in Schedule 1 to this Patent Assignment; and
  - (b) the following properties and rights with respect to all patents and patent applications so listed in Schedule 1:
    - (i) the inventions claimed or described in the patents or applications,  
any patents in the United States and anywhere else in the world and patent applications that have been or may be granted or filed, respectively, with respect to those inventions, including without limitation all foreign patents that may claim priority based on and correspond to the patents listed in Schedule 1,  
  
all divisions, renewals, reissues, continuations, extensions, and (if filed by or for Assignee) continuations-in-part of the foregoing patents,  
  
all income, royalties, damages, and payments due or payable to the Assignor with respect to the patents, including without limitation unpaid damages and payments for past, present, and future infringements of any patent and  
  
all rights to sue and recover damages and payments for past, present, and future infringements of any of the patents, including the right to fully and entirely replace the Assignor in all related matters.
2. The foregoing rights in and under the patents shall apply to the full end of their terms as fully as the Assignor would have held the same in the absence of this assignment. As of the date set forth below, the Assignee has succeeded to all right, title, and standing of the Assignor to (a) receive all rights and benefits pertaining to the patents described above, and (b) commence, prosecute, defend and settle all claims and take all actions that the Assignee, in its sole discretion, may elect in relation to the patents and rights described above.
3. This Patent Assignment (a) is irrevocable and effective upon the Assignor's signature to and delivery of a manually signed copy of this instrument or facsimile or email

transmission of the signature to this instrument in connection with the execution of the Agreement, if and only if the such execution occurs, (b) benefits and binds the parties to the Agreement and their respective successors and assignees.

The undersigned has signed this Patent Assignment effective as of April 4, 2004.

Motorola, Inc.:

By: 

Name: Jonathan P. Meyer

Title: Senior Vice President and Assistant General Counsel

STATE OF Illinois

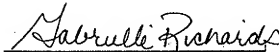
COUNTY OF COOK

On 12/10/04 before me, GABRIELLE RICHARDS (the undersigned notary), personally appeared Jonathan P. Meyer personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal this 10th day of December, 2004.

My Commission Expires:



  
Notary Public Signature  
GABRIELLE RICHARDS  
Printed Name of Notary Public



# INTELLECTUAL PROPERTY ASSIGNMENT AGREEMENT

## EXHIBIT A - LISTING OF PRINCIPAL ASSIGNED INTELLECTUAL PROPERTY

### SCHEDULE 1: ASSIGNED PATENTS

#### A. Assigned SPS Patents

Status Description	Granted				
Country Code	Docket Number	Patent Number	Grant Date	Title	
USA	AP01203	5173836	12/22/92	A HERMETICALLY SEALED INTERFACE	
USA	AP01288	5396341	01/31/95	SEMICONDUCTOR CARRIER ASSEMBLY	
USA	AP5036ES	6697956	02/24/04	METHOD AND APPARATUS FOR PHASE SYNCHRONIZING A PLURALITY OF MICROCONTROLLER NETWORK IN A BRAKE-BY-WIRE AUTOMOBILE BRAKING SYSTEM	
USA	BW00031	6301306	10/09/01	METHOD AND APPARATUS FOR GENERATING A SHORT-RANGE WIRELESS DATA COMMUNICATION LINK	
USA	CE30084P	5784427	07/21/88	FEEDBACK AND SHIFT UNIT	
USA	CE30085P	5781566	07/14/88	CYCLOC REDUNDANCY CODER	
USA	CM00120E	4639631	01/27/87	ELECTROSTATICALLY SEALED PIEZOELECTRIC DEVICE	
USA	CM00153F	4697812	03/05/91	SUPERCONDUCTING THICK FILM	
USA	CM00216F1	5120678	06/09/92	ELECTRICAL COMPONENT PACKAGE COMPRISING POLYMER-REINFORCED SOLDER BUMP INTERCONNECTIONS	

PCT	SC0933ET	PCT/EP02/10998	10/01/02	AUTOMATIC SCAN-BASED TESTING OF COMPLEX INTEGRATED CIRCUITS.
PCT	SC0940EC	PCT/EP02/13195	11/25/02	APPARATUS AND METHOD FOR DIGITAL CONTROL SYSTEMS
PCT	SC0946ET	PCT/EP03/01165	02/08/03	MAGNETIC NANOMATERIALS AND SYNTHESIS METHOD
PCT	SC0982EM	PCT/EP02/08261	07/24/02	CLOCK SYNCHRONIZATION IN A DISTRIBUTED SYSTEM
PCT	SC0986EI	PCT/EP03/02222	03/03/03	INSTRUCTION CACHE AND METHOD FOR REDUCING MEMORY CONFLICTS
PCT	SC0985EG	PCT/EP03/03437	04/02/03	APPARATUS AND METHOD FOR SCHEDULING TASKS IN A COMMUNICATIONS NETWORK
PCT	SC0973EI	PCT/EP03/00522	01/20/03	CHANNEL ESTIMATION IN A RADIO RECEIVER
PCT	SC0975EC	PCT/EP02/13199	11/25/02	PLL ARRANGEMENT CHARGE PUMP METHOD AND MOBILE TRANSMITTER
PCT	SC0978EG	PCT/EP03/06753	06/25/03	A METHOD AND APPARATUS FOR GAIN CALIBRATION.
PCT	SC0979EK	PCT/EP02/12821	11/11/02	INFORMATION COMMUNICATION CONTROLLER INTERFACE APPARATUS AND METHOD.
PCT	SC0981ET	PCT/EP03/01367	02/12/03	LOW DROP-OUT VOLTAGE REGULATOR
PCT	SC0982EM	PCT/EP02/12276	11/01/02	COMMUNICATION NETWORK AND ARRANGEMENT FOR USE THEREIN

GBRI	SC0976TT	97109105.3	06/05/97	RESONATOR
GBRI	SC0977EI	222986.8	10/01/02	MODULE SYSTEM AND METHOD FOR TESTING A PHASE LOCKED LOOP
GBRI	SC0978EG	215592.8	07/05/02	A METHOD AND APPARATUS FOR GAIN CALIBRATION.
GBRI	SC0979EK	204044.2	02/20/02	INFORMATION COMMUNICATION CONTROLLER INTERFACE APPARATUS AND METHOD.
GBRI	SC09814C	97116850.5	09/29/97	METHOD FOR TRANSMITTING SIGNALS BETWEEN A MICROPROCESSOR AND AN INTERFACE
GBRI	SC0983EM	206732	03/22/02	SELF-ROUTING STAR-COUPLER-BASED COMMUNICATION NETWORK
GBRI	SC11433TH	324805.1	05/15/02	SYSTEM AND METHOD FOR CONTROLLING BUS ARBITRATION DURING CACHE MEMORY BURST CYCLES
GBRI	SC12303EM	224627	10/23/02	ARRANGEMENT SYSTEM AND METHOD FOR VECTOR PERMUTATION IN SINGLE-INSTRUCTION MULTIPLE-DATA MICROPROCESSORS.
GBRI	SC12328EC	314202.3	06/18/03	METHOD AND ARRANGEMENT FOR I-Q BALANCING AND RADIO RECEIVER INCORPORATING SAME
GBRI	SC12331ER	229876.4	12/20/02	CIRCUIT AND METHOD FOR SUPPLYING AN ELECTRICAL AC LOAD
GBRI	SC12401EM	318256.5	08/05/03	ARRANGEMENT AND METHOD FOR CONNECTING A PROCESSING NODE IN A DISTRIBUTED SYSTEM

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Anthony Newton et al	Examiner:	Unknown
Serial No.:	10/521,417	Group:	Unknown
Filed:	January 5, 2005	Docket No:	SC0978EG
Entitled:	TRANSMITTER AND RECEIVER GAIN CALIBRATION BY MEANS OF FEED-BACK IN A TRANSCEIVER		

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**DECLARATION OF GAIL TANNER UNDER 37 C.F.R. § 1.47**

I, Gail Tanner, hereby state as follows:

1. I am an Formalities Clerk (title) with Impetus IP, Ltd. ("Impetus"), in Basingstoke, England. My responsibilities include obtaining the signatures of current and former Freescale employees for Declarations and Powers of Attorney and for Assignments with respect to patent applications filed on their behalf by Freescale as assignee of the inventions therein.
2. It is my information and belief that Anthony Newton was an employee of Freescale, Inc., ("Freescale") at the time this invention was conceived but is no longer employed by Freescale.
3. It is my information and belief that Heinz Lehning was an employee of Freescale, Inc., ("Freescale") at the time this invention was conceived but is no longer employed by Freescale.
4. On April 12, 2005, I mailed, via TNT "Standard Overnight" delivery, a package under label number 316671891 to Anthony Newton at his last known address, that is, Chemin des Jardils, Le Vaud, Switzerland CH-1261.

5. On April 12, 2005, I mailed, via TNT "Standard Overnight" delivery, a package under label number 316672101 to Heinz Lehning at his last known address, that is, 3 Chemin des Grandes Pres, Tannay, Switzerland CH-1295.

6. The package to both Anthony Newton and Heinz Lehning included copies of the Application, Drawings, a Declaration with Power of Attorney, and an Assignment and Agreement with respect to patent application serial no. 10/521,417, attorney docket no. SC0978EG, filed January 5, 2005.

7. Based on Anthony Newton and Heinz Lehning's unwillingness to return the signed Assignment and Declaration, I believe that further efforts to contact Anthony Newton and Heinz Lehning would be futile.

8. Enclosed please find copies of the TNT Shipment Details and Shipment Tracking indicating delivery of the documents.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,

G.E. Tanner.  
GAIL TANNER

DATE: 6th October 2006.



001 005900

Also  
DIPLO

RETIRED CONSIGNMENT REPORT

DATE	TIME	TO/FROM	DURATION	REMARKS
20080622				
20080713				TURNS & SOURCE OF RECHARGE
20080724				

[illegible]

Client Ref	Trade Structure	Contract	0.500	Actual MC
275616	2	MC		

RECEIVER HOLDING LEADERSHIP  
POSITION FOR CLEANERS THE

Sender	IMBETUS IP LTD
Account	001014067
Addressee	J CHARMAN & CO

Address	Woods Farm Lutwans Close Tels Wy 01883821040 Post code BN24 4AO	Country	UK
---------	--	---------	----

[illegible]

Company	Address
Collect IMPETOS IP LTD	

Address WILSON PARK  
Arlington  
Tel NE 0761423040  
STURGEY J

LANDSCAPE

WILLIAMSON

Post code	PL13 9PZ	Country	Area Zone	PO

[illegible]

RECEIVED / RECEIVED ACCOUNTING AD  
A H

AC	20050417 1800	21	0600
AC	20050413 1039	21	
	DVA		
	CONSTANT DELIVERED IN GOOD		
		21	

CD	OUT FOR DELIVERY	04067
20050423 0426	CVA	21
20050423 0400	DIFFERS UNIT DEPARTED	

DU 20050622 070000  
IN 20050623 070000  
GVA  
INVEST RECEPTION

Station	Remarks	130605
1075	CONSIDERABLE TRAFFIC	

TS	20050413 0815	PHYSICAL COMMODITY SORTED
TS	20050413 0253	LOC

STATUS: AVAILABLE  
PHYSICAL COORDINATE: 49255251  
ID: 101

TR 2005MELB 0609  
Scientific Research WY256251

2050682 2150	CML	CONSTANT WEIGHTED
		EMERGENCY CONSTANT WEIGHTED
12		

File #	Call	Remarks
20050413	2127	YD769753

OFFICE SHIPPED  
JAN 21 1968  
JAN 21 1968  
03

20050412 1841	REF	PHYSICAL DOCUMENT SORTED
20050412 1754	REF	
D02		

IN  
STABLE MEMBERS VOT67753

DOI 20050422 1749 EAT

Sector	Mode	Org	Date	Org	Date
...	...	...	...	...	...

20050413

NI 934+  
TD D0235  
C  
LGS  
DVA  
20050613  
20050613

SSSS	Y	CAL	LOD	ADONIS
5555	4	700	1000	1000

[illegible]

END OF REPORT



COPY

IMPETUS IP LTD  
GROVE HOUSE  
LUYTONS CLOSE  
BASINGSTOKE, HAMPSHIRE  
RG24 8AG  
UNITED KINGDOM

For Invoice enquiry please call: 08457 646564  
For Service / Delivery enquiry please call: 08705 446655

TNT International  
P.O. Box 186  
Ramsbottom  
Bury BL0 9GR  
Telephone: 08457 646564  
Fax: 08457 646565  
VAT Reg. No GB 3547150 57

Bankers: National Westminster Plc  
24 Desborough  
Bolton BL1 1BN  
Bank Sort Code 01 30 09  
Account No. 23906394

## INVOICE

Invoice No.	Client No.
04668625	001014067
Invoice date	Due date
15-04-05	22-04-05
VAT Reg. No.	Page
GB642325950000	1 OF 1

CONNOTE	SPECIFICATION	WEIGHT	AMOUNT	CHARGE V
316671891	GLOBAL EXPRESS (DOCS)	0.500A	15.95	
12-04-05		II		
EXPORT S	TO: ANTHONY NEWTON LES JORDILS LE VAUD, 1261 CH			
316672101	GLOBAL EXPRESS (DOCS)	0.500A	15.95	
12-04-05	REF: AHG 375616	II		
EXPORT S	TO: HEINZ LEHNING 3 CHEMIN DES GRANDES PRES TANNAY, 1295 CH			

Net Non-Volatile	Net Vatable	VAT at 17.5%	GBP	Total amount
31.90	0.00	0.00		31.90

A=ACTUAL WEIGHT I=ITEMS S=SENDER PAYS



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Anthony Newton et al	Examiner:	Unknown
Serial No.:	10/521,417	Group:	Unknown
Filed:	January 5, 2005	Docket No:	SC0978EG
Entitled:	TRANSMITTER AND RECEIVER GAIN CALIBRATION BY MEANS OF FEED-BACK IN A TRANSCEIVER		

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**DECLARATION OF ISABELLE BARBE UNDER 37 C.F.R. § 1.47**

I, Isabelle Barbe, hereby state as follows:

1. I am an Administrative Assistant in the Law Department of Freescale Semiconductor, Inc. ("Freescale"), in Toulouse, France. My responsibilities include obtaining the signatures of current and former Freescale employees for Declarations and Powers of Attorney and for Assignments with respect to patent applications filed on their behalf by Freescale as assignee of the inventions therein.
2. It is my information and belief that Freescale Semiconductors, Inc. obtained beneficial ownership of the rights in the above identified patent application from Motorola Inc and its wholly owned subsidiaries.
2. It is my information and belief that Anthony Newton was an employee of a wholly owned subsidiary of Motorola, Inc at the time this invention was conceived but is no longer employed by Motorola, Inc or a wholly owned subsidiary nor by Freescale.
3. It is my information and belief that Heinz Lehning was an employee of a wholly owned subsidiary of Motorola, Inc at the time this invention was conceived but is no longer employed by Motorola Inc or a wholly owned subsidiary nor by Freescale.

4. On September 1, 2005, I e-mailed Anthony Newton at his last known email address, which is 'tonynewton@bluewin.ch'.
5. The email included copies of the Declaration with Power of Attorney, and an Assignment and Agreement with respect to patent application serial no. 10/521,417, attorney docket no. SC0978EG, filed January 5, 2005. The email did not include a copy of the application and drawings that were filed, because it was my understanding that Mr. Newton had previously received such documents on April 13, 2005 from Impetus IP, Ltd. (See **Exhibit "G"**, Affidavit of Gail Tanner)
6. I was and continue to be unable to locate an email address for Heinz Lehning.
7. Based on Anthony Newton and Heinz Lehning's unwillingness to return the signed Assignment and Declaration, I believe that further efforts to contact Anthony Newton and Heinz Lehning would be futile.
8. Attached as **Exhibit "H-1"**, please find a copy of the email of September 1, 2005, indicating delivery of the documents.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,

/Isabelle Barbe/  
ISABELLE BARBE

DATE: October 12, 2006

**Herrera Stacie-R00135**

---

**From:** Barbe Isabelle-ibar01  
**Sent:** Thursday, September 01, 2005 11:02 AM  
**To:** 'tonynewton@bluewin.ch'; 'glnewton@tm.net.my'  
**Cc:** 'Susan Grant'; 'Gail Tanner (gail.tanner@impetus-online.co.uk)'; Herrera Stacie-R00135; Wharmby Martin-AMW025  
**Subject:** SC0978EG US Assignment and Declaration  
**Importance:** High  
**Attachments:** SC0978EG US DECLARATION.doc; SC0978EG US ASSIGNMENT1.doc

Mr Newton,

Could you please print and sign the attache Oath and Assignment for the US filing of the patent SC0978EG with the title "METHOD AND APPARTUS FOR GAIN CALIBRATION" ? USPTO requires your signature on those documents, only yours is missing.

We need these documents signed by you (and 2 witnesses of your choice for the Assignment) before 20th September 2005 by express mail (UPS, DHL...)

For any question please contact me,

Regards

Isabelle Barbé

EMEA Law Department's assistant

FREESCALE Semiconducteurs France SAS  
134 avenue du Général Eisenhower  
BP 72329  
31023 Toulouse Cedex 1  
France  
Tél : +33 5 61 19 17 43  
Fax : +33 5 61 41 58 42

mail to : [isabelle.barbe@freescale.com](mailto:isabelle.barbe@freescale.com)

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Anthony Newton et al	Examiner:	Unknown
Serial No.:	10/521,417	Group:	Unknown
Filed:	January 5, 2005	Docket No:	SC0978EG
Entitled:	TRANSMITTER AND RECEIVER GAIN CALIBRATION BY MEANS OF FEED-BACK IN A TRANSCEIVER		

---

**DECLARATION OF STACIE HERRERA UNDER 37 C.F.R. § 1.47**

I, Stacie Herrera, hereby state as follows:

1. I am an Administrative Assistant in the Law Department at Freescale Semiconductor, Inc. ("Freescale"), in Austin, Texas. My responsibilities include obtaining the signatures of current and former Freescale employees for Declarations and Powers of Attorney and for Assignments with respect to patent applications filed on their behalf by Freescale as assignee of the inventions therein.
2. It is my information and belief that Anthony Newton was an employee of Freescale, Inc., ("Freescale") at the time this invention was conceived but is no longer employed by Freescale.
3. It is my information and belief that Heinz Lehning was an employee of Freescale, Inc., ("Freescale") at the time this invention was conceived but is no longer employed by Freescale.
4. To make a continued effort to obtain signatures from Heinz Lehning, on August 24, 2006, I mailed, via Federal Express "International Economy" delivery, a package containing the specification (as filed), drawings (as filed), Declaration Combined with Power of Attorney, (as filed), and the Assignment and Agreement, under label number

791098300170 to Heinz Lehning at his last known work address in care of the Motorola Geneva Wireless Technology Center, 207 Route de Ferney, LeGrande, Sacconnex, Geneva, Switzerland, CH-1218.

5. To make a continued effort to obtain signatures from Anthony Newton, on August 24, 2006, I mailed, via Federal Express "International Economy" delivery, a package containing the specification (as filed), drawings (as filed), Declaration Combined with Power of Attorney, (as filed), and the Assignment and Agreement, under label number 792832399365 to Anthony Newton at his last known address which is Chemin des Jardils, LeVaud, Switzerland, CH-1261.

6. The packages included copies of the filed Specification, Drawings, Declaration with Power of Attorney, and an Assignment and Agreement with respect to patent application serial no. 10/521,417, attorney docket no. SC0978EG, filed January 5, 2005.

7. I received confirmation on August 29, 2006, that Anthony Newton received and signed for the package on August 29, 2006.

8. On September 5, 2006, I received the package I sent to Heinz Lehning on August 24, 2006, as being undeliverable due to he is no longer employed with the Motorola Geneva Wireless Technology Center.

9. On October 5, 2006, I resent the package containing the specification (as filed), drawings (as filed), Declaration Combined with Power of Attorney, (as filed), and the Assignment and Agreement, to Heinz Lehning at his last known residence address under label number 790578077098, which is 3 Chemin des Grandes Pres, Tannay, Switzerland, CH-1295.

10. Based on Anthony Newton and Heinz Lehning's unwillingness to return the signed Assignment and Declaration, I believe that further efforts to contact Anthony Newton and Heinz Lehning would be futile.

11. Attached as **Exhibit "I-1"**, please find a copy of the delivery notification to Anthony Newton.
12. Attached as **Exhibit "I-2"**, please find a copy of the notification of undeliverability to Heinz Lehning on September 5, 2006.
13. Attached as **Exhibit "I-3"**, please find a copy of the delivery notification for Heinz Lehning on October 9, 2006.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,

  
STACIE HERRERA

DATE: \_\_\_\_\_

10-16-06



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

10/05/2006

Dear Customer:

The following is the proof of delivery you requested with the tracking number **792832399365**.

---

**Delivery Information:**

---

<b>Status:</b>	Delivered	<b>Delivery date:</b>	Aug 29, 2006 08:00
<b>Signed for by:</b>	.NEWTON		
<b>Service type:</b>	Intl Economy Envelope		

**NO SIGNATURE IS AVAILABLE**

FedEx Express Proof of delivery details appear below, however no signature is currently available for this FedEx Express shipment. Availability of signature images may take up to 5 days after delivery date.

---

**Shipping Information:**

---

<b>Tracking number:</b>	792832399365	<b>Ship date:</b>	Aug 24, 2006
		<b>Weight:</b>	1.0 lbs.
<b>Recipient:</b>	<b>Shipper:</b>		
LE VAUD CH	AUSTIN, TX US		
<b>Reference</b>	SC0978EG		

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Welcome Stacie  
October 5, 2006 9:02:38

## Track Shipments Detailed Results

Quick Help

Tracking number	791098300170	Reference	SC0978EG
Ship date	Aug 24, 2006	Destination	GENEVA CH
		Service type	Intl Economy Envelope
		Weight	0.7 lbs.

Status Delivery exception

Date/Time	Activity	Location	Details
Sep 5, 2006 12:30 PM	Package returned to shipper	GENEVA CH	Return tracking number: 905637534403
Sep 4, 2006 6:47 PM	At local FedEx facility	GENEVA CH	
Sep 1, 2006 7:00 PM	At local FedEx facility	GENEVA CH	
Aug 31, 2006 6:46 PM	At local FedEx facility	GENEVA CH	
Aug 30, 2006 6:48 PM	At local FedEx facility	GENEVA CH	
Aug 29, 2006 6:50 PM	At local FedEx facility	GENEVA CH	
Aug 28, 2006 6:53 PM	At local FedEx facility	GENEVA CH	
8:50 AM	Delivery exception	GENEVA CH	Incorrect address
7:16 AM	On FedEx vehicle for delivery	GENEVA CH	
7:16 AM	At local FedEx facility	GENEVA CH	
Aug 26, 2006 8:04 AM	Intl shipment release	BASEL CH	
Aug 25, 2006 8:16 PM	Departed FedEx location	PARIS FR	
12:33 AM	Departed FedEx location	MEMPHIS, TN	
12:08 AM	Arrived at FedEx location	MEMPHIS, TN	
Aug 24, 2006 9:26 PM	Left origin	AUSTIN, TX	
3:48 PM	Picked up	AUSTIN, TX	
2:27 PM	Package data transmitted to FedEx		

Signature proof

Email results

Track more shipments

Subscribe to tracking updates (optional)

Your Name:

Your Email Address:

Email address

Language

Exception

Delivery



		updates	updates
<input type="text"/>	English	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

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Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

10/16/2006

Dear Customer:

The following is the proof of delivery you requested with the tracking number **790578077098**.

---

**Delivery Information:**

---

<b>Status:</b>	Delivered	<b>Delivery date:</b>	Oct 9, 2006 15:23
<b>Signed for by:</b>	M.LEHNING		
<b>Service type:</b>	Priority Envelope		



---

**Shipping Information:**

---

<b>Tracking number:</b>	790578077098	<b>Ship date:</b>	Oct 5, 2006
		<b>Weight:</b>	0.7 lbs.
<b>Recipient:</b>		<b>Shipper:</b>	
TANNAY CH		AUSTIN, TX US	
<b>Reference</b>		SC0978EG	

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